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**Datasheet for the decision
of 2 November 2016**

Case Number: T 1555/14 - 3.2.06

Application Number: 02253253.5

Publication Number: 1362982

IPC: F01D5/18

Language of the proceedings: EN

Title of invention:

Turbine airfoil with single aft flowing three pass serpentine cooling circuit

Patent Proprietor:

GENERAL ELECTRIC COMPANY

Opponent:

ALSTOM Technology Ltd

Headword:

Relevant legal provisions:

EPC R. 84(1), 100(1), 126(2), 131, 134(1)

Keyword:

Lapse of patent in all designated states - termination of appeal proceedings

Decisions cited:

Catchword:



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Case Number: T 1555/14 - 3.2.06

D E C I S I O N
of Technical Board of Appeal 3.2.06
of 2 November 2016

Appellant: ALSTOM Technology Ltd
(Opponent) CHTI-Intellectual Property
Brown Boveri Strasse 7/664/2
5401 Baden (CH)

Respondent: GENERAL ELECTRIC COMPANY
(Patent Proprietor) 1 River Road
Schenectady, NY 12345 (US)

Representative: Illingworth-Law, William Illingworth
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
30 May 2014 concerning maintenance of the
European Patent No. 1362982 in amended form.**

Composition of the Board:

Chairman M. Harrison
Members: M. Hannam
W. Ungler

Summary of Facts and Submissions

- I. The appellant/opponent lodged an appeal against the interlocutory decision of the opposition division of 30 May 2014 which found that European patent No. 1 362 982 in an amended form met the requirements of the EPC.
- II. In a communication dated 24 June 2016, the Board informed the parties that the patent in suit had lapsed with effect for all the designated Contracting States and invited the appellant to inform the board, within two months from notification of the communication, whether it requested a continuation of the appeal proceedings (Rules 84(1) and 100(1) EPC).
- III. No reply was received from the appellant/opponent within the two month period.

Reasons for the Decision

1. Rule 84(1) EPC provides that 'if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States, the opposition proceedings may be continued at the request of the opponent filed within two months of a communication from the European Patent Office informing him of the surrender or lapse.'
2. Based on Rule 100(1) EPC, Rule 84(1) EPC applies mutatis mutandis in opposition appeal proceedings, i.e. the appeal proceedings may be continued at the request of the appellant/opponent filed within two months as

from notification of the lapse.

3. In the present case, the notification of the lapse within the meaning of Rule 84(1) EPC was sent by registered letter to the appellant on 24 June 2016. The period for requesting continuation of the appeal proceedings ended on 5 September 2016 by virtue of Rule 126(2) EPC) in conjunction with Rules 131 and 134(1) EPC. Since no such request was filed within that time limit, the appeal proceedings are terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



N. Schneider

M. Harrison

Decision electronically authenticated